

M e m o r a n d u m

Date: November 25, 2009

To: Office of the Commissioner
Attention: Commissioner J. A. Farrow

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Office of the Assistant Commissioner, Inspector General

File No.: 005.9968.13749.010

Subject: FINAL 2009 COMMAND EVIDENCE INSPECTION OF THE
DUBLIN AREA

I am issuing this final inspection report of the Dublin Area pursuant to Government Code (GC) §13887, the California Highway Patrol (CHP) Audit Charter and CHP Audit Plan. The inspection focused on the command's evidence system pursuant to departmental policy set-forth in Chapter Two, *Command Evidence* of Highway Patrol Manual (HPM), 22.1, *Command Inspections Program Manual*, and HPM 70.1, *Evidence Manual*.

This inspection was conducted using methodology number three, as presented in HPM 22.1. This is a five step process, which consists of selecting an item in the Area Information System (AIS); locating the item in the Evidence/Property Log; reviewing the corresponding CHP 36, Evidence/Property Receipt/Report; locating the evidence/property item; and verifying the current disposition of the item.

The inspection consisted of examining a stratified random sampling of all categories of evidence/property in the AIS. There were a total of 797 active and 660 closed evidence/property numbers in the AIS. The evidence numbers were broken down according to their respective categories within AIS. The evidence numbers associated with closed items was kept separate from the active items. To achieve a statistically defensible sample with a 95 percent confidence level and a plus or minus five percent error rate, 59 items from the active and 56 from the closed categories were inspected. Each category from AIS was stratified to ensure each group was proportionally represented in the sample. The internet web site "randomizer.org" was utilized to randomly select evidence numbers from each stratified category as well as the closed numbers.

The inspection findings for the Dublin Area are as follows:

1. All property/evidence items associated with money are placed in a standard metal cabinet equipped with a small pad lock. The cabinet is located in the evidence room and is not bolted to the floor for added security. The cabinet can be easily moved with little effort.

Safety, Service, and Security

2. The chain of possession section of the CHP 36 forms is not always being used to record each movement and transfer of evidence.
3. Based on further review, this finding has been rescinded.
4. The CHP 36B, Evidence/Property Log forms are not consistently being updated. Several evidence items showed an active status, but were actually closed items.
5. Quarterly evidence inspection reports are not consistently being conducted.
6. Although the commander signed most of the quarterly evidence inspection reports, not all of the inspection reports had the commander's signature as required by policy.
7. The inspector noted evidence is not purged on a regular basis. More time should be devoted to checking open cases for current disposition.

The Dublin Area Commander agreed with six of the seven findings and has taken corrective action to improve command operations related to the command's evidence system. The Dublin Area disagreed with finding number three. Upon further review, the Office of Inspections agreed with the command's response on finding number three. Specifically, the Dublin Area did not maintain the funds to this case as they were turned over to the Drug Enforcement Administration for seizure. The Commander's response is attached and is incorporated into this final report. In accordance with the *International Standards for the Professional Practice of Internal Auditing* and Government Code §13887 (a) (2), this report, the response, and any follow-up documentation is intended for the Office of the Commissioner; Office of the Assistant Commissioner, Field; Office of the Assistant Commissioner, Inspector General; Office of Legal Affairs; Office of Inspections; and Golden Gate Division. Please note this report restriction is not meant to limit distribution of the report, which is a matter of public record pursuant to Government Code §6250 et seq. Furthermore, in accordance with the Governor's Executive Order S-20-09 to increase government transparency this report will be posted on the CHP's internet website, and on the Office of the Governor's webpage, located on the State's Government website.

Golden Gate Division has reviewed the corrective action taken by the Dublin Area and has concluded that all previously identified deficiencies have been resolved. As a result no further reporting is required by the Dublin Area and the matter is considered closed.

Office of the Commissioner

Page 3

November 25, 2009

The Office of Inspections would like to thank the Dublin Area's management and staff for their cooperation during the inspection. If you need further information, please contact me or Assistant Chief Ken Hill at (916) 843-3005.


M. C. A. SANTIAGO
Assistant Commissioner

Attachment

cc: Office of the Assistant Commissioner, Field
Office of Legal Affairs
Office of Inspections
Golden Gate Division
Dublin Area

M e m o r a n d u m

Date: September 19, 2009

To: Office of Inspections

From: **DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**
Dublin Area

File No.: 390.11676.11546

Subject: **RESPONSE TO DUBLIN AREA COMMAND EVIDENCE INSPECTION
REPORT**

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This memorandum is intended to serve as the written response to the command evidence inspection report of the Dublin Area as required by the Office of Assistant Commissioner, Inspector General's memorandum dated June 30, 2009.

FINDINGS REQUIRING FOLLOW-UP:

Finding 1 – Agree. The standard metal cabinet equipped with a small pad lock is now bolted and secured in place within the evidence room.

Finding 2 – Agree. The current evidence officer has received Area and Division level training to ensure the proper procedures are followed in regard to handling and processing of evidence. Area management will continue to monitor this issue to ensure compliance is maintained.

Finding 3 – Disagree. The CHP 230, Transmittal Record, was not required, as the monies regarding this Asset Forfeiture case were turned over to the Drug Enforcement Agency (DEA) for seizure and the funds were not maintained by Area. The CHP 36 form chain of possession documented such.

Finding 4 – Agree. The evidence officer has received Area and Division level training to ensure this procedure is adhered to. Area management will continue to monitor this issue to ensure compliance is maintained.

Finding 5 – Agree. Quarterly inspections have been completed on a regular basis since the second quarter of 2007. Area has developed a monthly project log which tracks monthly, quarterly and annual reports. Area management will continue to monitor this issue to ensure compliance is maintained.

Safety, Service, and Security

Finding 6 – Agree. Area management, the office supervisor and administrative sergeant meet on a weekly basis. The monthly project tracking log is an agenda item that is reviewed and discussed to ensure the objectives are being met. Area management will continue to monitor this issue to ensure compliance is maintained.

Finding 7 – Agree. The Dublin Area has had four evidence officers in the past two years and they had several collateral duties, which caused the delay in purging property and evidence. The current evidence officer has received formal evidence training at Golden Gate Division on August 4 and 5, 2009, and some of the collateral duties have been reassigned to allow sufficient time to check open cases for current disposition. Area management will continue to monitor this issue to ensure compliance is maintained.

Questions regarding this response may be directed to Sergeant L. Marino via e-mail at LMarino@chp.ca.gov or by telephone at (925) 828-0466.



M. M. MUELLER, Captain
Commander

cc: Office of the Assistant Commissioner, Field
Golden Gate Division